

NOV 24 2004

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November 24, 2004

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Message: Re: U.S. Patent Application No. 09/886,613
Applicant: Benjamin Kane
Filed: June 22, 2001
Atty. Docket No. 19693.0002

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Re: **U.S. Patent Application No. 09/886,613**
Applicant: Benjamin Kane
Filed: June 22, 2001
Atty. Docket No. 19693.0002

- ☒ **RESUBMITTED REQUEST FOR WITHDRAWAL OF ATTORNEY (3
PP), enclosing: Exhibit 1: Copy of Decision from USPTO; Exhibit 2: Copy
of previously filed Declaration and Power of Attorney; Exhibit 3: Copy of
USPTO date-stamped postcard re Declaration and Power of Attorney;
Exhibit 4: Copy of previously filed Request for Withdrawal as Attorney
and USPTO date-stamped postcard re Withdrawal**

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit to the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 18 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 19693.0002

NOV 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Benjamin Kane

Application No. 09/886,613

Filed: June 22, 2001

Group Art Unit:

Examiner:

For: SYSTEM AND METHOD FOR PRODUCING PUBLISHING MANAGING AND
INTERACTING WITH E-CONTENT ON MULTIPLE PLATFORMS**RESUBMITTED REQUEST FOR WITHDRAWAL AS ATTORNEY**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to telephone conferences with Mr. Gibson on November 24, 2004, the undersigned resubmits its request to withdraw as attorney. Our original request was not approved "because the attorney signing the request does not have power of attorney in this application." (See copy of the Decision attached as Exhibit 1). The accompanying materials show that the Decision was based on an incomplete patent file. Only pages 1 and 3 of the Declaration and Power of Attorney were scanned by the U.S. Patent and Trademark Office. The basis for the original request remains in effect today – the former client does not respond to our telephone calls or our written communications.

The following outlines the undersigned's activities in this case since receipt of the Decision on September 16, 2004.

1. In response to the Decision we contacted Mr. Dorner on September 20, 2004. Our inquiry was responded to by Mr. Batson on September 28, 2004. He said that pages 1 and 3 of the Declaration and Power of Attorney were in the file and that he would put a request into the scanning department for the missing page, page 2.

Attorney Dkt. No. 19693.0002

2. The undersigned called Mr. Batson on October 12, 2004 to check on the status of the missing page and left him a detailed voice mail message describing the case and requesting the status of his inquiry.

3. The undersigned called Mr. Batson on October 13, 2004 to check on the status of the missing page and left him a detailed voice mail message describing the case and requesting the status of his inquiry.

4. The undersigned called Mr. Batson on October 27, 2004 to check on the status of the missing page and left him a detailed voice mail message describing the case and requesting the status of his inquiry.

5. The undersigned called Mr. Batson on November 1, 2004 to check on the status of the missing page and left him a detailed voice mail message describing the case and requesting the status of his inquiry.

6. On November 10, 2004, Mr. Batson returned the undersigned calls, saying that he was still waiting for the scanning department to provide him with the missing page. He also said that Mr. Gibson was now assigned to the matter.

7. On November 23, 2004, the undersigned contacted Mr. Gibson to check on the status of the missing page and left him a detailed voice mail message describing the case and requesting the status of his inquiry.

8. On November 24, 2004, Mr. Gibson returned the undersigned's call, and suggested that we file this paper.

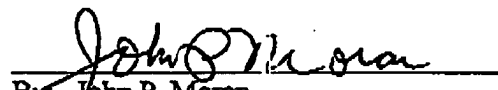
Attached as Exhibit 2 is a true and complete copy of the Declaration and Power of Attorney that was filed on January 17, 2002. Page 2 of the Declaration and Power of Attorney shows that the undersigned was appointed to have power in this application. A copy of the post card that accompanied the Declaration and Power of Attorney (date-stamped by the USPTO) is

Attorney Dkt. No. 19693.0002

attached as Exhibit 3. Since the original request was made by an attorney of record, and the denial was erroneously based on the Office's incomplete records due to errors created in the scanning of documents in this case, we request that the original request to withdraw be granted and the Decision dated September 14, 2004 be withdrawn. We attach a copy of our original request including the accompanying USPTO date-stamped postcard as Exhibit 4.

Respectfully submitted,
Swidler Berlin Shereff Friedman, LLP

Dated: November 24, 2004


By: John P. Moran
Registration No. 30,506

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